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8/21/02
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAYMOND DOUGLASS YOUNG,
Plaintiff

v.

WEST MANCHESTER TOWNSHIP,
WEST MANCHESTER POLICE DEPARTMENT
WEST MANCHESTER TOWNSHIP POLICE -
POLICE OFFICER HINDS, CITY OF YORK,
YORK CITY POLICE DEPARTMENT, AND YORK
CITY POLICE OFFICER SHELDON HOOPER,
Defendants

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:Docket No. 1:CV 02-1437

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:JURY TRIAL DEMANDED

FILED
HARRISBURG, PA

AUG 20 2002

MOTION TO DISMISS

MARY E. D'ANDREA, CLERK
Per gld
Deputy Clerk

Defendants, City of York, York City Police Department, and York City Police Officer Sheldon Hooper, move to dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6) and assign the following reasons therefor.

1. On November 17, 2001, at approximately 1:00 a.m., Plaintiff was involved in an automobile pursuit initiated by West Manchester Township Police Officer Patrick Hinds which ended in an automobile accident on West Market Street in York, PA.

2. Following the automobile accident, Plaintiff exited the vehicle and a foot chase ensued.

3. Plaintiff alleges that the foot chase lasted for approximately twenty (20) yards and ended when he stopped running placing both of his hands in the air above his head.

4. At that time, Plaintiff alleges that he was tackled and knocked to the ground, facedown by "the Defendant(s)".

5. Following his surrender, he alleges that he was handcuffed and savagely beat in the head repeatedly "by the Defendant(s)".

6. Plaintiff alleges that he lost consciousness but regained consciousness as he was being carried to the West Manchester Township Police Cruiser driven by West Manchester Township Police Officer Patrick Hinds.

7. Thereafter, he was transported to the York Hospital Emergency Room for immediate emergency medical attention.

8. After being medically cleared from the hospital he was released back into the custody of West Manchester Township Police Officer Patrick Hinds who processed him for confinement.

9. Plaintiff was transported to York County Prison where he came under the care of the medical staff, which care lasted about two weeks.

10. Plaintiff alleges in the various counts of his Complaint that the conduct of the Defendant violated his Fifth, Eighth, and Fourteenth Amendment Rights to the United States Constitution.

11. Defendants move to dismiss the Defendant identified as the York City Police Department.

12. The City of York is a city of the Third Class and as such maintains numerous city departments, one of which is the Police Department.

13. No where is it alleged that the Police Department enjoys a separate legal corporation status.

14. The City of York Police Department should simply be dismissed as a redundant claim.

15. While City of York Police Office Sheldon Hooper is named as a party, there is no specific conduct attributed to Officer Hooper.

16. Officer Hooper should be dismissed as Plaintiff has failed to plead a claim upon which relief can be granted as to him.

17. The claim against the City of York would be in the nature of a Monell-type claim.

18. There are no factual allegations in the Complaint from which one could reasonably infer that a custom practice or policy of the City of York caused Plaintiff to sustain a Constitutional injury.

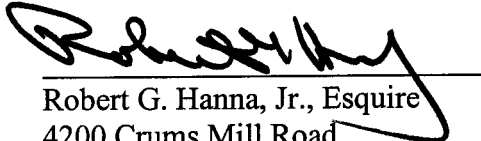
19. Plaintiff has brought claims under the Fifth, Eighth and Fourteenth Amendment of the United States Constitution none of which apply to this particular claim.

WHEREFORE, Defendants move to dismiss Plaintiff's Prayer for Relief.

Respectfully submitted,
MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

DATED: 8-19-02

BY:



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Attorney for Defendants
City of York, York City Police Department, and
Officer Sheldon Hooper

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CERTIFICATE OF SERVICE

I, Rachael L. Minnich, an employee of Marshall, Dennehey, Warner, Coleman & Goggin, do hereby certify that on this 19 day of August, 2002, I served a copy of the foregoing document via First Class United States mail, postage prepaid as follows:

Raymond Douglass Young
PRO SE
Attn: #53571
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York, PA 17402

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RACHAEL L. MINNICH